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PATENT, TRADEMARK  
AND COPYRIGHT LAW

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Date: April 2, 2007

FACSIMILE COVER LETTER

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To: Examiner V. Perungavoor  
Group Art Unit 2132, USPTO

From: Mr. John R. Mattingly  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/803,945  
Attorney Docket No.: TSM-37

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Applicants Examiner Interview Summary Record

John R. Mattingly  
Reg. No. 30,293April 2, 2007  
DateTotal Number of Pages (including cover sheet): 3

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TSM-37

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/803,945 Confirmation No. 7176  
Applicant : K. SHIMOOKA et al.  
Filed : March 19, 2004  
Title : DATA PROTECTING APPARATUS AND METHOD,  
AND COMPUTER SYSTEM  
TC/AU : 2132  
Examiner : V. Perungavoor  
Customer No.: 24956

**APPLICANTS EXAMINER INTERVIEW SUMMARY RECORD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Telephonic Interview was held on February 16, 2007 with the undersigned attorney, the Examiner and Supervising Examiner Gilberto Barron, Jr. In the interview, the undersigned attorney discussed the application of the primary reference of Kuznetsov to the claimed invention of claim 7.

The Examiner stated that the language added to the amendment filed with the RCE does not overcome the reference. The Examiner suggested adding language that distinguishes the first volume and second volume "pair" in claim 7 from the data in memory 122 of Kuznetsov and the data in the hard disk 32, which are a "pair" in that each stores the same data.

Appl. No. 10/803,945  
Amendment dated December 14, 2006  
Response to Office Action mailed August 14, 2006

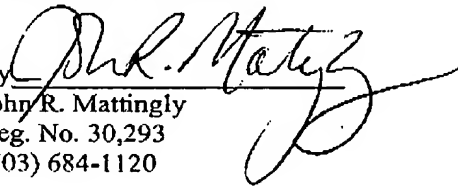
Docket No. TSM-37

It was noted by the undersigned attorney that items 32 and 122, 126 of Kuznetsov are not equivalent to the claimed first and second storage volumes, particularly because memories 122, 126 do not constitute a second volume that receives replication data from a first volume wherein the second volume is a pair of the first volume, as claimed.

No agreement was reached in the Interview.

Applicants extend their appreciation to the Examiner and to Mr. Barron for their time and courtesy in granting the Interview. Applicants will submit a reply to the outstanding Office Action mailed March 1, 2007.

Respectfully submitted,

By   
John R. Mattingly  
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